IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 17TH OCTOBER 2007 / 25TH ASWINA 1929

Bail Appl..No. 6285 of 2007()

CRIME NO. 318/07 OF WADAKKANCHERY POLICE STATION
CRLMC.2314/2007 of DISTRICT COURT, THRISSUR

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APPLICANT/ACCUSED:

VENUGOPAL, S/O. SANKARA NARAYANAN,
ATHANI P.O., THRISSUR.

BY ADV. SRI.P.SANTHOSH (PODUVAL)
SMT.R.RAJITHA

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY SUB INSPECTOR OF POLICE,
WADAKKANCHERY POLICE STATION THROUGH
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 6285 of 2007

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Dated this the 17th day of October, 2007

O R D E R

Application for anticipatory bail. The petitioner faces allegations in a crime registered for offences punishable, inter alia, under Section 465 I.P.C. The defacto complainant is the wife of a deceased person. The petitioner/accused is the brother of such deceased. The said deceased had expired on 30.6.2003. The gravamen of the allegations is that on the basis of a forged letter dt.18.3.2004 the ownership of a vehicle belonging to the deceased was transferred to the name of the petitioner and thereafter to another.

2. The petitioner has a case that the petitioner is the real owner of the vehicle, he having advanced amounts for the purchase of the vehicle when he was employed abroad. His brother has executed the necessary documents in his favour. But considering the nature of relationship, prompt action was not taken to get the transfer effected. Later, the petitioner had approached a service agency to get the transfer effected. Sale letter was handed over. That agency put the date as 18.3.2004, overlooking and ignoring the fact that the

deceased had expired on 30.6.2003. At worst it is only an indiscretion in putting the date and there is no forgery, it is submitted. Even admittedly the petitioner was using the vehicle after the expiry of his brother without any demur from the defacto complainant, submits the petitioner. Investigation is in progress. The petitioner apprehends imminent arrest.

3. The learned Prosecutor does not oppose the application. In the circumstances of the case, I am satisfied that appropriate conditions can be imposed in the interests of a fair, efficient and expeditious investigation.

4. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioner shall surrender before the learned Magistrate on 24.10.2007 at 11 a.m. The learned Magistrate shall release the petitioner on regular bail on condition that he executes a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 25.10.2007

and 26.10.2007 and thereafter as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioner does not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 24.10.07 and the police shall be at liberty thereafter to arrest the petitioner and deal with him in accordance with law.

(d) If the petitioner were arrested prior to his surrender on 24.10.2007 as directed in clause (1) above, he shall be released on bail on his executing a bond for Rs.25,000/- without any surety undertaking to appear before the learned Magistrate on 24.10.2007.

(R. BASANT)
Judge

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